

DHS Expected Practices

Specialty: Women's Health

Subject: Human Trafficking

Date: March 5, 2014

Purpose:

To provide:

1. Guidance in the screening and identification of patients who may be victims of human trafficking; and
2. Resources to clinicians so that identified individuals may be connected with appropriate medical, mental health, and legal services.

Target Audience:

Primary Care Providers and any other providers of Women's Health care.

Expected Practice:

Definition of Human Trafficking:

Under current law (California State Law AB 22), human trafficking involves controlling a person through force, fraud, or coercion to exploit the victim for forced labor, sexual exploitation, or both. It is a crime perpetrated against men, women, and children of every nationality and socioeconomic status.

Healthcare Needs of Trafficking Victims:

Trafficking victim healthcare needs include treatment for injuries resulting from beatings or torture, treatment for malnourishment, treatment for sexually transmitted diseases, or substance abuse treatment. Trafficking victims' mental health needs include counseling, treatment and recovery services for post-traumatic stress disorder, depression, anxiety, and suicidal thoughts or attempts, or other mental trauma.

Health Care Providers are not mandated by law to report human trafficking. However, it is recommended that clinicians connect identified victims to resources.

This Expected Practice was developed by a DHS Specialty-Primary Care Work Group to fulfill the DHS mission to ensure access to high-quality, patient-centered, and cost-effective health care. SPC Work Groups, composed of specialist and primary care provider representatives from across LA County DHS, are guided by 1) real-life practice conditions at our facilities, 2) available clinical evidence, and 3) the principle that we must provide equitable care for the entire population that LA County DHS is responsible for, not just those that appear in front of us. It is recognized that in individual situations a provider's clinical judgment may vary from this Expected Practice, but in such cases compelling documentation for the exception should be provided in the medical record.

Trafficking and Referral Hotline at 1-888-3737-888.

Los Angeles Metro Area Task Force on Human Trafficking:

Los Angeles Police Department
(213)486-6840

Suggested Screening:

The following are sample questions health care providers can ask in screening an individual to determine if he/she is a potential victim of human trafficking. As with domestic violence victims, if you think a patient is a victim of trafficking, you do not want to begin by asking directly if the person has been beaten or held against his/her will. Instead, you want to start at the edges of his/her experience. Use a translator who speaks the patient's primary language, and interview the patient alone.

- Can you leave your job or situation if you want?
- Can you come and go as you please?
- Have you been threatened if you try to leave?
- Have you been physically harmed in any way?
- What are your working or living conditions like?
- Where do you sleep and eat?
- Have you ever been deprived of food, water, sleep or medical care?
- Do you have to ask permission to eat sleep or go to the bathroom?
- Are there locks on your doors and windows so you cannot get out?
- Has anyone threatened your family?
- Has your identification or documentation been taken from you?
- Is anyone forcing you to do anything that you do not want to do?

Characteristics of Individuals Being Trafficked:

No racial or ethnic group is spared, although residents of war-torn or economically poor areas are more commonly targeted. Some are engaged unwittingly or against their will, while others use trafficking as a desperate choice to escape social or political adversity. Approximately 80% of victims are women, and 50% are minors.

- Lack of official identification papers
- Vague answers about their living situation
- No control of their money
- Malnourishment
- Signs of physical abuse
- Signs of depression or posttraumatic stress disorder
- Drug or alcohol addiction

Signs of being a victim of sex industry trafficking may include the following:

- Known age younger than 18 years (along with some combination of the following signs)
- Multiple sexual partners reported
- Multiple episodes of sexually transmitted infections
- Inappropriate attire for a health care visit (for example, lingerie)
- Tattoos or other types of branding for which the patient offers a vague explanation
- Evidence of sexual abuse or trauma

Types of Human Trafficking:

Sex Trafficking – Sex trafficking is the act of forcing, coercing, or transporting a person for the purpose of a commercial sex act. These crimes are primarily committed against women and children. Sex trafficking can occur in residential brothels, brothels disguised as massage parlors, strip clubs, and via online escort services and street prostitution.

Labor Trafficking – Labor trafficking is the act of forcing a person to work for little or no money. It can include forced labor in underground markets and sweatshops, as well as legitimate businesses such as hotels, factories, restaurants, construction sites, farming, landscaping, nail salons, and traveling sales crews.

Domestic Servitude – A form of labor trafficking, domestic servitude often involves women who are forced to live and work in the homes of employers who confiscate their legal documents and prevent them from leaving. Domestic workers can be US citizens, lawfully-admitted foreign nationals, or undocumented immigrants.

Mandatory Reporting: Human trafficking is not a mandated reportable offense for medical professionals.

Confidentiality: The California Evidence Code provides that a trafficking victim has a privilege to refuse to disclose and to prevent others from disclosing confidential communication between the victim and a human trafficking case worker.

Trafficking Victims Protection Act: Human trafficking victims who are not United States citizens or lawful permanent residents may be eligible to receive federally-funded benefits and services provided for under the Trafficking Victims Protection Act of 2000 and the Trafficking Victims Protection Reauthorization Acts of 2003, 2005, and 2008.

References:

ACOG Committee Opinion: Committee on Health Care for Underserved Women, Number 507, September 2011

<http://www.acog.org/Resources%20And%20Publications/Committee%20Opinions/Committee%20on%20Health%20Care%20for%20Underserved%20Women/Human%20Trafficking.aspx>

Kamala Harris, “The State of Human Trafficking In California”, California Department of Justice 2012